

REMARKS/ARGUMENTS

Applicant's attorneys respectfully request reconsideration and withdrawal of the rejections of the instant application in view of the above amendments and following remarks, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1- 36 are pending in this application and are rejected in the Office Action mailed on June 17, 2008. By this Amendment, claim 1 is amended. Applicant's attorneys submit that no new subject matter has been introduced.

Support for the claim amendments can be found throughout the specification, for example, in paragraph [0089] and Figures 1, 3, 5, 6, 7, 9, and 11 of U.S. Patent Application Publication No. 2005/0033258 ("the instant application").

II. THE REJECTIONS UNDER 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

On page 4 of the outstanding Office Action, claims 1-17, 20-22 and 36 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,416,500 to Wada *et al.* ("Wada"). Claims 18, 19 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wada in view of U.S. Patent No. 5,415,643 to Kolb ("Kolb"). Claims 23-35 are rejected under § 103(a) as allegedly being unpatentable over Wada in view of U.S. Patent No. 5,649,913 to Cohen ("Cohen"). The rejections are respectfully traversed for at least the following reasons.

As recited in claim 1, the instant invention is directed to:

An absorptive product, which comprises an absorptive body...and a flexible and liquid-impermeable trap portion..., wherein said trap portion holds at least one end of said absorptive body in a pocket formed of at least a backup sheet, and wherein substantially all longitudinal cross sections of said trap portion are through uninterrupted portions of said absorptive body.

(Emphasis added).

As shown in at least Figs. 1 and 15, the absorbent body of the instantly claimed absorbent substantially occupies the trap portion. Accordingly, the absorptive body will be in substantially all longitudinal cross sections (See paragraph [0089] of the instant application) of the trap portion

In contrast, Wada identifies at least region 7 and two regions 11 where the absorbent body is absent. See Fig. 5 of Wada. In at least column 5, lines 1-9, Wada teaches that the absorbent core is absent in regions 7 and 11 to facilitate folding. Fig. 4 of Wada is a longitudinal section through a portion of the reference absorbent product and illustrates the absence of absorbent product in region 7. Fig. 5 illustrates at least the three identified regions that are void of absorbent.

The Office Action asserts that a cross section through the sealed edge 16 will not include any of the absorptive body. While Applicants' attorneys do not necessarily agree, Applicants' attorneys respectfully submit that the sealed edge is not part of the trap portion as used in the instant application. The Specification recites "the liquid...is temporarily trapped in the trap portion, and the liquid trapped in the trap portion is gradually absorbed and held by the absorptive body over time." Paragraph [0012] of the published application. Further, paragraph [0118] recites, "heat-sealed portions 16 are formed to prevent liquids entering the trap portions ...from leaking through these sections." Accordingly, the trap portion is a void area open to

accept and hold at least a liquid and is different from the heat sealed area. The sealed border provides no void area to hold liquid and therefore is not part of the trap portion.

While the Office Action concedes that region 7 is free of absorbent, the Action also asserts that “even in cross-sectional views showing region 7 that is free of absorbent product, such as figure 4, there is still absorbent product 3b present in the cross section.” (Outstanding Office Action, paragraph 7.) Applicants’ attorneys offer no opinion as to the accuracy of this statement. However, Applicants’ attorneys respectfully submit that the longitudinal cross-sectional view of Fig. 4 in Wada is not through an uninterrupted portion of absorptive body as instantly claimed. Similarly, at least longitudinal cross sections through the regions identified as 11 in Wada will not cut through uninterrupted portions of the absorptive body as instantly claimed.

Accordingly, Applicants’ attorneys respectfully request the reconsideration and withdrawal of the § 102 rejection based on Wada.

The Office Action relies upon Kolb to teach an absorptive body comprising a specific amount of superabsorbent. As presently understood by applicants’ attorneys, Kolb is directed to an absorbent composite with at least 50% superabsorbent material which allows the absorbent body to disintegrate in water so that the body may be safely flushed. There is no teaching in Kolb to suggest an absorbent product located within a trap portion of a adsorptive product. Therefore, Applicants’ attorneys respectfully submit that Kolb fails to cure the deficiencies in Wada. Accordingly, Applicants’ attorneys respectfully request that the Section 103 rejections based on Wada in view of Kolb be withdrawn.

As presently understood, Cohen discloses men's boxer shorts to direct and store urine in a pocket. Cohen discloses a pocket constructed of waterproof materials configured to store urine without wetting the man's body. Cohen, column 2, lines 6-10. Accordingly, it is respectfully submitted that Cohen does not correct the deficiencies in Wada. Consequently, reconsideration and withdrawal of the § 103(a) rejections based on Wada in view of Cohen are respectfully requested.

For at least the foregoing reasons, it is believed that presently amended independent claim 1, and previously presented independent claims 27, and 28, patentably distinguish over the relied upon portions of Wada, Kolb, and Cohen, either alone or in combination, and are therefore allowable. Further, claims 2-26 and 36, which depend from claim 1, claims 29-34, which depend from claim 27, and claim 35, which depends from claim 28, are allowable as well.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that he Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art. Accordingly, Applicant's attorneys respectfully request an early favorable consideration thereof.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
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By: _____

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